IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11186 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

HASMUKHLAL KANTILAL DOSHI

Versus

DY COLLECTOR

Appearance:

1. Special Civil Application No. 11186 of 1993

MR J.H.SINGH for M/S S & S ASSOCIATES

for Petitioner No. 1

MR S.R.GORI, AGP for Respondent No. 1

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 09/10/2002

ORAL JUDGEMENT

Mr. J.H.Singh, learned advocate for the petitioner, upon instructions received from the

petitioner seeks leave to withdraw the petition. Mr. S.R.Gori, learned AGP for Respondent-Deputy Collector, Stamp Duty Valuation Organisation, Surat has no objection if leave to withdraw the petition is granted. He, however, states that while issuing Rule this Court has stayed the impugned order on condition that in case the petitioner loses in the petition and is required to make the payment of the amount of deficit stamp duty as directed in the impugned order or any other amount as may be directed by this Court, the same shall be paid by the petitioner with 15% interest from the date of this order. Since the petitioner is withdrawing this petition unconditionally, liberty may therefore be reserved in favour of the respondent to take appropriate action in light of the interim order passed at the time of issuing the rule.

2. In view of this leave to withdraw the petition is granted. Petition stands rejected as it is withdrawn, with no order as to costs.

3. It would be open for the respondent to take appropriate action with regard to the recovery of the amount of the deficit stamp duty, if any, pursuant to the impugned order passed by the respondent. Rule is discharged. Ad interim relief granted earlier stand vacated.

(A.M.Kapadia,J)

Jayanti*